

RESOLUTION NO. A-_____

1 WHEREAS, Richard and Tina Speidell (Owners) have submitted the
2 Administrative Final Plat of Mandarin Court Addition to the Planning Director for
3 approval; and

4 WHEREAS, the Owners have requested a modification of the Land Subdivision
5 Ordinance to waive street pavement with curb and gutter, the installation of the
6 sidewalks, ornamental lighting, street trees, and the community water distribution
7 system requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

8 WHEREAS, the Planning Commission has reviewed said request and has made
9 recommendations thereon; and

10 WHEREAS, the City Council finds that the tract to be subdivided is surrounded
11 by such development or unusual conditions that strict application of all the subdivision
12 requirements would result in actual difficulties or substantial hardship or injustice.

13 NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

14 That the following modifications to the subdivision requirements be and the same
15 are hereby approved:

16 a. The requirement of § 26.27.020 of the Land Subdivision Ordinance
17 that sidewalks be installed along both sides of all streets is hereby waived; provided,
18 however, nothing herein shall be construed to preclude the City Council from ordering
19 the construction of sidewalks in said location at any time in the future upon proper
20 notice to the owners, their successors or assigns. The owners further agree not to

1 object to the installation of sidewalks if and when ordered constructed by the City
2 Council.

3 b. The requirement of § 26.27.030 of the Land Subdivision Ordinance
4 requiring the community water distribution system to be extended to each lot is hereby
5 waived to allow private water wells until such time that water mains are built in the
6 Mandarin Court Community Unit Plan or a special assessment district is created to
7 extend the community water distribution system to each lot which ever occurs first and
8 provided that owners agree not to object to the creation of such special assessment
9 district.

10 c. The requirement of § 26.27.090 of the Land Subdivision Ordinance
11 requiring trees be planted along both sides of all streets is hereby waived.

12 d. The requirement of § 26.27.010 of the Land Subdivision Ordinance
13 that all streets abutting and within the subdivision be paved with curbs and gutters is
14 hereby waived provided that owners agree not to object to the creation of a special
15 assessment district for the construction of said street paving.

16 e. The requirement of § 26.27.070 of the Land Subdivision Ordinance
17 that street lighting be installed is hereby waived provided the owners agree not to object
18 to the creation of a special assessment district for the installation of said improvements.

19 BE IT FURTHER RESOLVED that the Administrative Final Plat of Mandarin
20 Court Addition shall not be filed for record or recorded in the office of the Register of
21 Deeds of Lancaster County and no lot shall be sold from this Administrative Final Plat
22 unless or until said Owner shall enter into a written agreement with the City which shall
23 provide for the above agreement by Owner with respect to the conditional waiver of the
24 improvements herein granted.

- 1 All other conditions for approval of the Administrative Final Plat shall remain in
- 2 full force and effect.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2002:

Mayor